

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

MOTION FOR CLERK TO ENTER DEFENDANT
MARAUDER CORPORATION INTO DEFAULT
AND MEMORANDUM IN SUPPORT

Plaintiffs Scott P. Hintz (“Hintz”), on behalf of himself and on behalf of all similarly situated individuals, Tyson E. Marshek (“Marshek”), on behalf of himself and on behalf of all similarly situated individuals, Tiffany Wells (“Wells”), on behalf of herself and on behalf of all similarly situated individuals, by counsel, pursuant to the Court’s instructions, submit their Motion for Clerk to Enter Defendant Marauder Corporation into Default and Memorandum in Support against Marauder Corporation (“Marauder”) and, in support of same, states as follows:

1. On September 4, 2009, the Court entered a Consent Order allowing Hintz, Marshek, and Wells to amend their Amended Class-Complaint to add Marauder as a Defendant in addition to Experian Information Solutions, Inc. (“Experian”).
2. On September 4, 2009, Hintz, Marshek, and Wells filed their Second Amended Class Complaint and arranged for it to be served on Marauder’s Registered Agent in California.

3. On September 23, 2009, Marauder's Registered Agent was served with the Second Amended Class Complaint, meaning that its Answer was due on or before October 6, 2009.

4. On October 14, 2009, counsel for Hintz, Marshek, and Wells and Experian appeared before the Court for the Initial Pretrial Conference. During the Initial Pretrial Conference, Hintz, Marshek, and Wells' counsel was instructed to file the instant pleading if Marauder did not file its Answer to the Second Amended Class Complaint on or before Friday, October 23, 2009.

5. Pursuant to the Court's instructions to Hintz, Marshek, and Wells' counsel, the Court would direct the Clerk to move Marauder into default if it did not file its Answer to the Second Amended Class-Complaint on or before Friday, October 23, 2009.

6. Despite valid service of process on it and an "extension" from the Court, Marauder has not filed its Answer to the Second Amended Class-Complaint or made an appearance in this case.

7. As a result of the above facts, Marauder is in default.

WHEREFORE, Plaintiffs Scott P. Hintz, on behalf of himself and on behalf of all similarly situated individuals, Tyson E. Marshek, on behalf of himself and on behalf of all similarly situated individuals, and Tiffany Wells, on behalf of herself and on behalf of all similarly situated individuals, request respectfully that the Court:

- a. Enter an Order, directing the Clerk of Court to move Defendant Marauder Corporation into default;
- b. Award them the attorneys' fees and related litigation costs incurred herein; and
- c. Award them such other and further relief as the Court deems appropriate and just.

SCOTT P. HINTZ, on behalf of himself and
all similarly situated individuals,
TYSON E. MARSHEK, on behalf of himself and
all similarly situated individuals, and
TIFFANY WELLS, on behalf of herself and
all similarly situated individuals

By: /s/ Jason C. Roper
Of Counsel

Jason C. Roper, Esquire (VSB #45814)
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Counsel for Plaintiffs Scott P. Hintz, Tyson E. Marshek, and Tiffany Wells, on behalf of
themselves and on behalf of all similarly situated individuals

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of October 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

David N. Anthony, Esquire
TROUTMAN SANDERS LLP
Troutman Sanders LLP
1101 Haxall Point
Richmond, Virginia 23218-1122
david.anthony@troutmansanders.com

and sent the foregoing via regular mail, postage prepaid, to:

Registered Agent for Marauder Corporation
Paracorp Incorporated
2804 Gateway Oaks Drive
Suite 200
Sacramento, CA 90064

/s/ Jason C. Roper

Jason C. Roper, Esquire
Virginia Bar Number 45814
Counsel for Plaintiffs Scott P. Hintz, Tyson E. Marshek,
and Tiffany Wells, on behalf of themselves and on behalf
of all similarly situated individuals
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